



Crl.OP.No.27037 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.280 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant, is that on 31.05.2021, during the lock down period, she was informed that some persons were selling ganja. Therefore, the defacto complainant along with other police officials went to the scene of occurrence and found six persons in a suspicious manner and five persons were arrested and from them, 700 grams of ganja was recovered. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and the respondent has registered a *suo moto* case against them, since the petitioner and the other accused had violated the lock down regulations imposed by the



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Government of Tamil Nadu. He would submit that the arrested accused had been released on bail and there is no previous case pending against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused were found to possess 700 grams of ganja during the lock down period. On seeing the police, the petitioner had run away from the scene of occurrence. He would further submit that the arrested accused had been released on bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and the submissions and that the case has been registered on 31.05.2021, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned



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Special District Court for the cases under NDPS Act, Villupuram on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

16.11.2022

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